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10/524,055	03/09/2005	Juha-Pekka Koskinen	089229.00048	4444
32294 7590 02/25/2009 SQUIRE, SANDERS & DEMPSEY L.L.P. 8000 TOWERS CRESCENT DRIVE 14TH FLOOR VIENNA, VA 22182-6212				
EXAMINER				
AJIBADE AKONAI OLUMIDE				
ART UNIT		PAPER NUMBER		
2617				
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02/25/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/524,055

Applicant(s)

KOSKINEN ET AL.

Examiner

OLUMIDE T. AJIBADE AKONAI

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-14 and 16-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-12, 14, 16-20 and 24-28 is/are rejected.
- 7) ☒ Claim(s) 13 and 21-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-11, 14, 16-20, 24, and 26-28 are rejected under 35 U.S.C. 102(e) as being anticipated by **Halkosaari et al 7,200,381 (hereinafter Halkosaari)**.

Regarding **claim 1**, Halkosaari discloses a method, comprising: establishing an accounting session between a network element (Network element, see fig. 2, col. 4, lines 12-20, col. 5, lines 15-16) and a charging function (CCF 10, col. 4, lines 25-31) for the session (NE sets up an accounting dialog with CCF 10 by sending an Initial_IR to the CCF and receiving an IR_Result, see col. 5, lines 30-67, col. 6, lines 1-6), wherein the network element comprises a gateway of an internet protocol based communication system (see fig. 2, col. 4, lines 12-20, col. 5, lines 15-16); initiating a change in the accounting session on the initiation of the charging function (see col. 6, lines 7-30); and charging for services in the communication system based on the accounting session (see col. 6, lines 7-30), wherein the initiating a change in the accounting session comprises transmitting a request to update the accounting session from the charging

function to the network element (accounting session is updated by sending a new IR_Result from the CCF, see col. 6, lines 25-31).

Regarding **claim 14 and 27**, Halkosaari discloses a charging element and means (CCF 10, col. 4, lines 25-31), comprising: a monitor unit configured to monitor charging in an internet protocol based communication system (CCF 10 by receiving an Initial_IR to the CCF and sending an IR_Result, see col. 5, lines 30-67, col. 6, lines 1-6); an establishment unit and means configured to establish an accounting session with an application (SSF, see col. 5, lines 4-13); an information unit and means configured to inform a network element configured to control an associated communication session of the accounting session (CCF 10 sending an IR_Result, see col. 5, lines 30-67, col. 6, lines 1-6), wherein the network element comprises a gateway of the Internet protocol based communication system (see fig. 2, col. 4, lines 12-20, col. 5, lines 15-16); and an initiation unit and means configured to initiate a change in the accounting session (accounting session is updated by sending a new IR_Result from the CCF, see col. 6, lines 25-31), wherein the initiation unit and means comprises a transmission unit configured to receive a request to update the accounting session (receiving a new Initial_IR, see col. 6, lines 7-30).

Regarding **claim 24**, Halkosaari discloses a communication system, comprising: a network element configured to control a session for the provision of services in an internet protocol based communication system (Network element, see fig. 2, col. 4, lines 12-20, col. 5, lines 15-16), wherein the network element comprises a gateway of the internet protocol based communication system (see fig. 2, col. 4, lines 12-20, col. 5,

lines 15-16); an application for the session (SSF, see col. 5, lines 4-13); a control function for the session (CCF 10, col. 4, lines 25-31); and a charging function (CCF 10, col. 4, lines 25-31), wherein at least one accounting session is configured to be established between the charging function and at least one of the network element, the application, or the control function (NE sets up an accounting dialog with CCF 10 by sending an Initial_IR to the CCF and receiving an IR_Result, see col. 5, lines 30-67, col. 6, lines 1-6), and wherein the charging function is configured to initiate a change in the at least one accounting session by transmitting a request to update the accounting session to the network element (accounting session is updated by sending a new IR_Result from the CCF, see col. 6, lines 25-31).

Regarding **claim 28**, Halkosaari discloses a computer program product embodied on a computer readable medium, and encoding instructions for performing, when executed on a computer: establishing an accounting session between a network element (Network element, see fig. 2, col. 4, lines 12-20, col. 5, lines 15-16) and a charging function (CCF 10, col. 4, lines 25-31) for the session (NE sets up an accounting dialog with CCF 10 by sending an Initial_IR to the CCF and receiving an IR_Result, see col. 5, lines 30-67, col. 6, lines 1-6), wherein the network element comprises a gateway of an internet protocol based communication system (see fig. 2, col. 4, lines 12-20, col. 5, lines 15-16); initiating a change in the accounting session on the initiation of the charging function (see col. 6, lines 7-30); and charging for services in the communication system based on the accounting session (see col. 6, lines 7-30), wherein the initiating a change in the accounting session comprises transmitting a

request to update the accounting session from the charging function to the network element (accounting session is updated by sending a new IR_Result from the CCF, see col. 6, lines 25-31).

Regarding **claims 3 and 16** as applied to claims 1 and 14, Halkosaari further discloses wherein the transmitting the request further comprises transmitting an update accounting request message (accounting session is updated by sending a new IR_Result from the CCF, see col. 6, lines 25-31).

Regarding **claims 4 and 17** as applied to claims 1 and 14, Halkosaari further discloses responsive to the request, implementing, in the network element, a change in the charging of the accounting session (see col. 5, lines 49-67, col. 6, lines 7-31).

Regarding **claims 5 and 18** as applied to claims 1 and 14, Halkosaari further discloses responsive to the request, transmitting, by the network element, an acknowledgement to the charging function (see col. 5, lines 49-67, col. 6, lines 7-31).

Regarding **claims 6 and 19** as applied to claims 5 and 18, Halkosaari further discloses wherein the transmitting the acknowledgement comprises transmitting an update accounting acknowledgement message (see col. 5, lines 49-67, col. 6, lines 7-31).

Regarding **claims 7 and 20** as applied to claims 1 and 14, Halkosaari further discloses configuring the network element is a controller of a communications session relating to the accounting session (see fig. 2, col. 4, lines 12-20, col. 5, lines 15-16).

Regarding **claim 8** as applied to claims 1, Halkosaari further discloses wherein the establishing an accounting session comprises establishing an accounting session between the charging function and a further network element (see fig. 2, col. 4, lines 12-20, col. 5, lines 4-16).

Regarding **claim 9** as applied to claims 8, Halkosaari further disclose establishing an accounting session between an application for the accounting session and the charging function (see col. 5, lines 5-16).

Regarding **claim 10** as applied to claims 9, Halkosaari further discloses establishing an accounting session between a control function for the accounting session and the charging function (see col. 4, lines 25-31, col. 5, lines 5-16).

Regarding **claim 11** as applied to claims 9, Halkosaari further discloses wherein the initiating the change in the accounting session between the network element controlling the session and the charging function is responsive to a change in at least one of the accounting session between the charging function and a further network element or the accounting session between an application for the accounting session and the charging function (see col. 5, lines 49-67, col. 6, lines 7-31).

Regarding **claim 26** as applied to claim 24, Halkosaari further discloses a plurality of accounting sessions, wherein the charging function initiates a change in one accounting session of the plurality of accounting sessions responsive to a change in another accounting session of the plurality of accounting sessions.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 12 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Halkosaari et al 7,200,381 (hereinafter Halkosaari)** in view of **Barna et al 6,999,449 (hereinafter Barna)**.

Regarding **claims 12 and 25** as applied to claims 1 and 24, Halkosaari discloses the claimed invention except wherein charging of the charging function comprises pre-paid charging. Barna however, discloses associating the accounting session with a pre-paid charging function (pre-paid server PPS 15, see fig. 1, col. 6, lines 9-10). It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Barna, by implementing a pre-paid accounting service at an accounting server, into the system of Halkosaari for the benefit of providing per-paid accounting services in an IP network.

Allowable Subject Matter

5. Claims 13 and 21-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed December 9 2008 have been fully considered but they are not persuasive. Regarding claims 1, 14, 24, 27, and 28, the applicants' representative asserts that Halkosaari does not disclose or suggest "initiating a change in the accounting session on the initiation of the charging function...wherein the initiating a change in the accounting session comprises transmitting a request to update the accounting session from the charging function to the network element". The examiner respectfully disagrees. The CCF updates the session when a charging related event occurs, and this is equivalent to the applicants' limitation "initiating a change in the accounting session on the initiation of the charging function" because the occurrence of

the charging related event leads to the CCF analyzing different/new rate, (see col. 5, lines 49-52, col. 6, lines 7-11 and 26-30). The new IR_Result operation is transmitted to the network element NE from the CCF, and based on the new IR_Result, the NE is able to present an updated account information, and this is equivalent to the applicants' claimed limitation of "wherein the initiating a change in the accounting session comprises transmitting a request to update the accounting session from the charging function to the network element" because the IR_Result transmitted to the NE leads to a new traffic session/processing of data with a new account balance at the NE (see col. 5, lines 49-67, col. 6, lines 1-6, and 25-30). Claims 1-, 3-12, 14, 16-20, and 24-28 stand rejected.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUMIDE T. AJIBADE AKONAI whose telephone number is (571)272-6496. The examiner can normally be reached on M-F, 8.30p-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617